

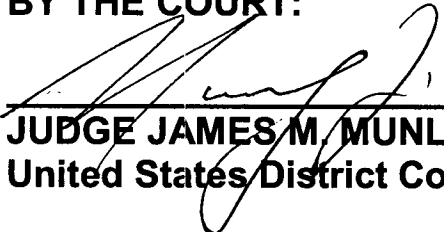
No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(B) 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that

there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither clear error on the face of the record nor manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

1. The magistrate judge's report and recommendation (Doc. 11) is **ADOPTED**;
2. The instant petition for a writ of habeas corpus (Doc. 1) is **DENIED** and **DISMISSED WITHOUT PREJUDICE**;
3. Based upon the reasoning in the report and recommendation, we decline to issue a certificate of appealability. See 28 U.S.C. § 2253(c) and 3d Cir. LAR. 22; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court